

# HOUSE BILL No. 1472

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-38-1-14.5.

**Synopsis:** HIV testing of inmates. Requires a court that sentences a person to a penal or correctional facility for a period of at least one year to require the person to undergo: (1) a screening test for the human immunodeficiency virus (HIV); and (2) the test annually thereafter during the period that the person remains incarcerated. Requires that whenever a test confirms the presence of HIV antibodies, the court shall notify the convicted person and order that the results be reported to the state department of health. Requires the department of correction to pay for the testing. Requires the state department of health to submit an annual report to the governor, the legislative council, and the department of correction regarding: (1) the prevalence of acquired  
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**Effective:** July 1, 1999.

**Crawford**

January 19, 1999, read first time and referred to Committee on Courts and Criminal Code.



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immune deficiency syndrome (AIDS) and HIV in persons incarcerated in penal and correctional facilities in Indiana; and (2) current treatments for AIDS and HIV offered by the department of correction and suggestions for improvements.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1472

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 35-38-1-14.5 IS ADDED TO THE INDIANA  
2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 1999]: **Sec. 14.5. (a) Whenever a court**  
4 **sentences a person convicted of an offense to a penal or**  
5 **correctional facility for a period of at least one (1) year, the court**  
6 **shall order the person to undergo:**  
7 (1) a screening test for the human immunodeficiency virus  
8 (HIV); and  
9 (2) the test described in subdivision (1) annually thereafter  
10 during any period that the person remains incarcerated.  
11 (b) If the screening test required under subsection (a) indicates  
12 the presence of HIV antibodies, the court shall order the person to  
13 undergo a confirmatory test. If the confirmatory test confirms the  
14 presence of HIV antibodies, the court shall:  
15 (1) notify the convicted person of the results; and



1 (2) order that the results, with protection for the identity of  
2 the convicted person, be reported to the state department of  
3 health.

4 (c) The court shall order the department of correction to pay for  
5 the testing under this section.

6 (d) Beginning in 2000, the state department of health shall  
7 submit a report that contains data received under subsection (b)  
8 to:

- 9 (1) the governor;  
10 (2) the legislative council; and  
11 (3) the department of correction.

12 The report must be submitted not later than November 1 of each  
13 year.

14 (e) The report under subsection (d) must also address:

- 15 (1) the prevalence of acquired immune deficiency syndrome  
16 (AIDS) and HIV in persons incarcerated in penal and  
17 correctional facilities in Indiana; and  
18 (2) current treatments for AIDS and HIV offered by the  
19 department of correction and suggestions for improvements.

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